

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TOYOTA JIDOSHA KABUSHIKI
KAISHA, also doing business as TOYOTA
MOTOR CORPORATION, and
TOYOTA MOTOR SALES, U.S.A., INC.,

Plaintiffs,

V.

PARTSITES, LLC, and
SCOTT ANDERSON,

Defendants/ Third-Party Plaintiffs,

V.

JOSEPH AIRPORT TOYOTA, and
SUBURBAN TOYOTA,

Third-Party Defendants.

Case No. 4:18-cv-00908

JURY DEMANDED

AFFIDAVIT OF ELIZABETH K. RUCKI

I, Elizabeth K. Rucki, declare as follows:

1. I am an attorney with the law firm of Baker Botts L.L.P. representing Plaintiffs, Toyota Jidosha Kabushiki Kaisha, a/k/a Toyota Motor Corporation, and Toyota Motor Sales U.S.A., Inc. (collectively, “**Plaintiffs**” or “**Toyota**”), in the above-referenced proceeding. I am licensed to practice law in the state of Texas having been admitted to the State Bar in 2007. I have also been admitted to practice before the United States Patent & Trademark Office and United States District Courts for the Northern, Eastern, Southern, and Western Districts of Texas since 2007, 2008 and 2011, respectively. I have been practicing law for over 12 years. This declaration is based on my personal knowledge and my review of documents and other materials. I submit this Declaration and the exhibits attached hereto, which are incorporated

herein by reference, to identify documents, information and other materials being submitted by Plaintiffs in support of Plaintiffs' Motion to Compel Complete Responses to Discovery Requests and Production of Documents ("**Motion**").

2. Attached hereto as "**Exhibit 1**" are true and correct copies of excerpts from web pages associated with the following URL: *Partsites.com*; these web pages were accessed and printed from the Internet in our offices in Dallas, Texas, on February 19, 2019, and on July 1, 2019.
3. On April 12, 2019, Plaintiffs served their initial discovery requests on Defendants, including interrogatories and requests for production. Attached hereto as "**Exhibit 2**" is a true and correct copy of Plaintiffs' First Set of Interrogatories to Defendant Partsites, LLC, including Interrogatory Nos. 4 and 7. Attached hereto as "**Exhibit 3**" is a true and correct copy of Plaintiffs' First Set of Requests for Production to Defendant Partsites, LLC, including Request for Production Nos. 11, 13, 15, 19, 21, 23, and 24. Attached hereto as "**Exhibit 4**" is a true and correct copy of Plaintiffs' First Set of Requests for Production to Defendant Scott Anderson, including Request for Production Nos. 10, 12, and 14.
4. Defendants' responses to Plaintiffs' discovery requests were due on or before May 13, 2019. Plaintiffs did not receive Defendants' responses by this deadline.
5. On May 22, 2019, I followed up with Defendants regarding Defendants outstanding responses. Attached hereto as "**Exhibit 5**" is a true and correct copy of my May 22, 2019 email requesting that Defendants immediately provide Defendants' responses by no later than close of business on May 23, 2019.
6. On May 24, 2019, Defendants represented that they would provide their responses to Toyota's document requests and interrogatories on or before May 31, 2019. Attached hereto as "**Exhibit 6**" is a true and correct copy of a May 24, 2019 email from Defendants to Plaintiffs

indicating that Defendants would provide Plaintiffs with discovery responses within one week from May 24, 2019.

7. On May 31, 2019, Defendants served Plaintiffs with their responses and objections to Plaintiffs' discovery requests. Attached hereto as "**Exhibit 7**" is a true and correct copy of Defendant, Partsites, LLC's Answers to Interrogatories, including Partsites' Answer to Interrogatory Nos. 4 and 7. Attached hereto as "**Exhibit 8**" is a true and correct copy of Defendant, Partsites, LLC's Responses to Plaintiffs' Request for Production including Partsites' Responses to Request for Production Nos. 11, 13, 15, 19, 21, 23, and 24. Attached hereto as "**Exhibit 9**" is a true and correct copy of Defendant, Scott Anderson's Responses to Plaintiffs' Request for Production, including Anderson's Responses to Request for Production Nos. 10, 12, and 14.
8. The 30(b)(6) deposition of Partsites and the deposition of Defendant Anderson were previously scheduled to take place on June 4 and 5. I have followed up with Defendants' counsel on multiple occasions to request new dates for the depositions of Defendants, but as of the date of this Motion, Defendants have yet to provide Plaintiffs with available dates. See Exhibit 11, referenced below.
9. On June 6, 2019, Plaintiffs sent a letter via email to Defendants outlining Defendants' discovery deficiencies. Attached hereto as "**Exhibit 10**" is a true and correct copy of Plaintiffs' June 6, 2019 email and the corresponding letter.
10. On June 18, 2019, and June 26, 2019, Plaintiffs and Defendants met and conferred via the telephone in an attempt to resolve the issues associated with the discovery dispute.
11. Plaintiffs attempted to further confer with Defendants to narrow the issues for determination via email on June 27, June 28, June 29, and July 1, but as of the date of this Motion, the parties

have not reached an agreement. Attached hereto as “**Exhibit 11**” is a true and correct copy of the pertinent June 27, June 28, June 29, and July 1 emails concerning the discovery dispute.

12. Attached as “**Exhibit 12**” is a true and correct copy of excerpts from web pages associated with the following URL: *Parts.com*; these web pages were accessed and printed from the Internet in our offices in Dallas, Texas on February 22, 2019.

13. On information and belief, attached as “**Exhibit 13**” is a marketing brochure prepared by Defendants in response to a Request for Information from Plaintiffs.

14. Attached hereto as “**Exhibit 14**” are complete copies of the unpublished decisions referenced in the Motion.

15. I further declare under penalty of perjury pursuant to 28 U.S.C. § 1746(2) that the foregoing is true and correct.

EXECUTED on this the 1st day of July, 2019.



Elizabeth K. Rucki